



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Continuance of the Public Hearing to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act.

MEETING DATE: June 18, 2003

PREPARED BY: J.D. Hightower, City Planner

RECOMMENDED ACTION: Continue to July 2, 2003 the public hearing to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act.

BACKGROUND INFORMATION: On June 12, 2003, the City received an appeal from G-REM, the property owner, regarding a Planning Commission denial of a request to add a condition Resolution PC 03-12. Because Ann Cerney's appeal and G-REM's appeal are closely related and regarding the same project, staff recommends that both items be heard at the July 2, 2003 City Council meeting.

FUNDING: None required.

Konradt Bartlam
Community Development Director

Prepared by: J.D. Hightower, City Planner

APPROVED: _____

H. Dixon Flynn -- City Manager

CITY COUNCIL

SUSAN HITCHCOCK, Mayor

EMILY HOWARD

Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6702

FAX (209) 333-6807

cityclrk@lodi.gov

H. DIXON FLYNN

City Manager

SUSAN J. BLACKSTON

City Clerk

RANDALL A. HAYS

City Attorney

June 12, 2003

Remy, Thomas, Moose and Manley, LLP

Attn: Osha R. Meserve

455 Capitol Mall, Suite 210

Sacramento, California 95814

NOTICE OF CITY COUNCIL PUBLIC HEARING – (June 18, 2003)

REQUEST FOR CONTINUANCE TO JULY 2, 2003

This letter is to notify you that on June 18, 2003 Community Development Director Konradt Bartlam will be requesting a continuance of the public hearing to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commissions approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act.

Enclosed is a copy of the June 18, 2003 City Council agenda and staff report related to Item G-1 as prepared by the Community Development Department, which indicates the request for continuance of the public hearing to July 2, 2003.

Should you have any questions, please contact my office or Community Development Director Konradt Bartlam at (209) 333-6711.

Sincerely,



Susan J. Blackston
City Clerk

cc: Community Development Director
Ann M. Cerney



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 18, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, June 18, 2003 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) appeal from Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: June 4, 2003

Approved as to form:

Randall A. Hays
City Attorney

Lowes EIR Appeal

EXHIBIT B

1. 02705003;MEIER, EMMA ;345 E TAYLOR RD ;LODI ;CA;95242
2. 02705010;PARISIS, ANGELOS S ;9949 FERNWOOD AVE ;STOCKTON ;CA;95212
3. 02705011;KABA, MIYOKO ;2332 ROCKINGHAM CIR ;LODI ;CA;95242
4. 02705020;HEDRICK, LAMAR A & JOANN A TR ;209 E HWY 12 ;LODI ;CA;95242
5. 02705021;MEXICAN AMER CATHOLIC FED ;PO BOX 553 ;LODI ;CA;95241
6. 02706003;CULBERTSON, STEVEN S & T E ETA;3008 ROSEWOOD DR ;LODI ;CA;95242
7. 02706005;MCNEIL, DANIEL R & S M ;441 TAYLOR RD ;LODI ;CA;95240
8. 02706009;SANCHEZ, DOMINGO ;517 TAYLOR RD ;LODI ;CA;95240
9. 02706012;REISWIG, KENNETH C ETAL ;246 NORTH LOMA ;LODI ;CA;95240
10. 02706013;ROBERSON, KENNETH A & RITA G ;619 TAYLOR RD ;LODI ;CA;95242
11. 02706015;FINKELSTEIN, JAY & DONNA ;360 RANELAGH RD ;HILLSBOROUGH ;CA;94010
12. 02706027;VANDER HEIDEN, BEN & RENEE D ;681 TAYLOR RD ;LODI ;CA;95242
13. 02706028;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95242
14. 02706029;ZAPARA, RANDY K & M A ;695 E TAYLOR RD ;LODI ;CA;95240
15. 02706034;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95240
16. 02706035;WILLIAMS, DAVE A & KATHLEEN R ;1100 INTERLAKEN DR ;LODI ;CA;95242
17. 02706036;WAGNER, LESTER & M ;15472 HILDE LANE ;LODI ;CA;95240
18. 05803001;REICHMUTH, CAROLYN HINES ;1358 MIDVALE RD ;LODI ;CA;95240
19. 02704010;KIRIU, TOM & TERRY TRS ;1212 S LOWER SAC RD ;LODI ;CA;95242
20. 02705023;GEWEKE FAMILY PTP ;PO BOX 1210 ;LODI ;CA;95241
21. 02704011;VLAVIANOS, ROBERT ;1224 S LOWER SAC RD ;LODI ;CA;95242
22. 02704087;BROOKHURST SHOPPING CENTER LLC;1371 OAKLAND BLVD SUITE 200
;WALNUT CREEK ;CA;94596
23. 02704089;OREGON FOOD STORES INC ;1801 OAKLAND BLVD SUITE 210 ;WALNUT CREEK
;CA;94596
24. 02704090;GILL LODI LLC ;GLENFIELD, LEICESTER LE35NG ;UNITED KINGDOM ;
;00000
25. 02733003;TRACY, JEFFREY L & TAMRA ;2426 BRITTANY CT ;LODI ;CA;95242
26. 02733004;MATHEWS, RICHARD E & DORENE ;2432 BRITTANY CT ;LODI ;CA;95242
27. 02733005;SCHMIERER, MICHAEL H ;2438 BRITTANY CT ;LODI ;CA;95242
28. 05814001;TESORO REFINING & MARKETING CO;PO BOX 16290 ;HOUSTON ;TX;77222
29. 05803002;LODI SOUTHWEST ASSOCIATES LP ;301 S HAM LN SUITE A ;LODI
;CA;95242
30. 05814042;CHRISTIAN J KNOX & ASSOC INC ;633 E VICTOR RD SUITE E ;LODI
;CA;95240
31. 05814044;FIRST LODI PLAZA ASSOCIATES ;100 SWAN WAY SUITE 206 ;OAKLAND
;CA;94621
32. Ann Cerney
33. Remy Thomas, Moose and Manley, LLP
34. JIM MANION, LOWE'S, 1530 FARADAY AVENUE, SUITE 125, CALSBAD, CA. 92008



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNEMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider the appeal of Ann M. Cerney and Citizens of Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND
CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING
COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF
LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT**

On Thursday, June 5, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to set public hearing for June 18, 2003, to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

A handwritten signature in dark ink, appearing to read "Patricia Ochoa", is written over a horizontal line.

Patricia Ochoa
Administrative Clerk

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk



DECLARATION OF MAILING
LETTER TO APPELLANT

PUBLIC HEARING TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR
OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE
REQUEST OF JIM MANION, ON BEHALF OF LOWE'S TO CERTIFY A FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

On June 5, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2003, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: TO SET PUBLIC HEARING FOR JUNE 18, 2003 TO CONSIDER THE APPEAL OF ANN M. CERNEY AND CITIZENS FOR OPEN GOVERNMENT REGARDING THE PLANNING COMMISSION'S APPROVAL OF THE REQUEST OF JIM MANION, ON BEHALF OF LOWE'S, TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VINTNER'S SQUARE SHOPPING CENTER PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

LEGAL AD

PUBLISH DATE: SATURDAY JUNE 7, 2003

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JUNE 5, 2003

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at 10:39 PM (time) on 6/5/03 (date) 2 (pages)
LNS DRA Phoned to confirm receipt of all pages at 11:40 (time) 1 Jac PO Tricia Jen (initials)



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPEAL OF G-REM REGARDING THE
PLANNING COMMISSION'S DENIAL OF THE REQUEST TO AMEND
RESOLUTION 03-12 ADDING A CONDITION OF APPROVAL TO THE
VINTNER'S SQUARE SHOPPING CENTER LOCATED AT THE NORTHWEST
CORNER OF LOWER SACRAMENTO ROAD AND KETTLEMAN LANE

LEGAL AD

PUBLISH DATE: SATURDAY, JUNE 21, 2003

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO:

SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JUNE 19, 2003

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 3:24 (time) on 6/19/03 (date) 2 (pages)
D2A Phoned to confirm receipt of all pages at 3:15 (time) Jac Tricia Jen (initials)



DECLARATION OF POSTING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF G-REM REGARDING THE
PLANNING COMMISSION'S DENIAL OF THE REQUEST TO AMEND RESOLUTION
03-12 ADDING A CONDITION OF APPROVAL TO THE VINTNER'S SQUARE
SHOPPING CENTER LOCATED AT THE NORTHWEST CORNER OF LOWER
SACRAMENTO ROAD AND KETTLEMAN LANE**

On Thursday, June 19, 2003, in the City of Lodi, San Joaquin County, California, a copy of the notice to a set Public Hearing for July 2, 2003 to consider the appeal of G-REM regarding the Planning Commission's denial of the request to amend Resolution 03-12 adding a condition of approval to the Vintner's Square Shopping Center located at the northwest corner of Lower Sacramento Road and Kettleman Lane (attached hereto, marked Exhibit "A") was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.


Executed on June 19, 2003, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor
Deputy City Clerk

Jennifer M. Perrin
Deputy City Clerk


Patricia Ochoa
Administrative Clerk



DECLARATION OF MAILING

**PUBLIC HEARING TO CONSIDER THE APPEAL OF G-REM REGARDING THE
PLANNING COMMISSION'S DENIAL OF THE REQUEST TO AMEND RESOLUTION 03-
12 ADDING A CONDITION OF APPROVAL TO THE VINTNER'S SQUARE SHOPPING
CENTER LOCATED AT THE NORTHWEST CORNER OF LOWER SACRAMENTO ROAD
AND KETTLEMAN LANE**

On June 19, 2003, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing notice to consider the appeal of G-REM regarding the Planning Commission's denial of the request to amend resolution 03-12 adding a condition of approval to the Vintner's Square Shopping Center located at the northwest corner of Lower Sacramento Road and Kettleman Lane, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 19, 2003, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: July 2, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, July 2, 2003**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) the appeal of G-REM regarding the Planning Commission's denial of the request to amend Resolution 03-12 adding a condition of approval to the Vintner's Square Shopping Center located at the northwest corner of Lower Sacramento Road and Kettleman Lane

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: June 18, 2003

Approved as to form:

Randall A. Hays
City Attorney

EXHIBIT B

Amendment to Lowe's Resolution

1. 02704010;KIRIU, TOM & TERRY TRS ;1212 S LOWER SAC RD ;LODI ;CA;95242
2. 02704011;VLAVIANOS, ROBERT ;1224 S LOWER SAC RD ;LODI ;CA;95242
3. 02704012;VALENTINE, MENARDA TR ;22 POWERS AVE ;SAN FRANCISCO
;CA;94110
4. 02704087;BROOKHURST SHOPPING CENTER LLC;1371 OAKLAND BLVD SUITE 200
;WALNUT CREEK ;CA;94596
5. 02704088;SUNWEST MARKETPLACE LODI LLC ;1801 OAKLAND BLVD #210
;WALNUT CREEK ;CA;94596
6. 02704090;GILL LODI LLC ;GLENFIELD, LEICESTER LE35NG ;UNITED KINGDOM
; ;00000
7. 02705014;GEWEKE FAMILY PTP ;PO BOX 1210 ;LODI ;CA;95241
8. 02704089;OREGON FOOD STORES INC ;1801 OAKLAND BLVD SUITE 210 ;WALNUT
CREEK ;CA;94596
9. 02733002;RIOS, JOSE J & MARIA G ;PO BOX 722 ;ACAMPO ;CA;95220
10. 02733003;TRACY, JEFFREY L & TAMRA ;2426 BRITTANY CT ;LODI ;CA;95242
11. 02733004;MATHEWS, RICHARD E & DORENE ;2432 BRITTANY CT ;LODI
;CA;95242
12. 02733005;SCHMIERER, MICHAEL H ;2438 BRITTANY CT ;LODI ;CA;95242
13. 02733006;SHAH, STEPHANIE ;1273 VIENNA DR ;LODI ;CA;95242
14. 02733009;RISHWAIN, MARK B & MICHELLE L ;2421 BRITTANY CT ;LODI
;CA;95242
15. 02733016;SUNWEST HOMEOWNERS ASSN ;317 W LODI AVE ;LODI ;CA;95240
16. 05803002;LODI SOUTHWEST ASSOCIATES LP ;301 S HAM LN SUITE A ;LODI
;CA;95242
17. 05814042;CHRISTIAN J KNOX & ASSOC INC ;633 E VICTOR RD SUITE E ;LODI
;CA;95240
18. 05814044;FIRST LODI PLAZA ASSOCIATES ;100 SWAN WAY SUITE 206
;OAKLAND ;CA;94621
19. 05814001;TESORO REFINING & MARKETING CO;PO BOX 16290 ;HOUSTON
;TX;77222
20. 02705003;MEIER, EMMA ;345 E TAYLOR RD ;LODI ;CA;95242

21. 02705010;PARISIS, ANGELOS S ;9949 FERNWOOD AVE ;STOCKTON ;CA;95212
22. 02705011;KABA, MIYOKO ;2332 ROCKINGHAM CIR ;LODI ;CA;95242
23. 02705020;HEDRICK, LAMAR A & JOANN A TR ;209 E HWY 12 ;LODI ;CA;95242
24. 02705021;MEXICAN AMER CATHOLIC FED ;PO BOX 553 ;LODI ;CA;95241
25. 02706001;GUTIERREZ, MERCED P & F P ;383 E TAYLOR RD ;LODI ;CA;95240
26. 02706002;CULBERTSON, JAMES F & P TRS ;641 N PACIFIC AVE ;LODI
;CA;95242
27. 02706003;CULBERTSON, STEVEN S & T E ETA;3008 ROSEWOOD DR ;LODI
;CA;95242
28. 02706005;MCNEIL, DANIEL R & S M ;441 TAYLOR RD ;LODI ;CA;95240
29. 02706009;SANCHEZ, DOMINGO ;517 TAYLOR RD ;LODI ;CA;95240
30. 02706010;FREY, LELAND G TR ETAL ;485 TAYLOR RD ;LODI ;CA;95242
31. 02706012;REISWIG, KENNETH C ETAL ;246 NORTH LOMA ;LODI ;CA;95240
32. 02706013;ROBERSON, KENNETH A & RITA G ;619 TAYLOR RD ;LODI ;CA;95242
33. 02706014;FINKELSTEIN, JAY & DONNA ;360 RANELAGH RD ;HILLSBOROUGH
;CA;94010
34. 02706019;WAGNER, LESTER V & M W ;15472 N HILDE LANE ;LODI ;CA;95240
35. 02706024;MASON, EVERED J & BERNADINE K ;28499 N NICHOLS RD ;GALT
;CA;95632
36. 02706025;WILBURN, LOREN ;15475 N LOWER SAC ;LODI ;CA;95242
37. 02706027;VANDER HEIDEN, BEN & RENEE D ;681 TAYLOR RD ;LODI ;CA;95242
38. 02706028;SMITH, DANA C & DEANNA L ;211 S AVENA AVE ;LODI ;CA;95242
39. 02706029;ZAPARA, RANDY K & M A ;695 E TAYLOR RD ;LODI ;CA;95240
40. 02706035;WILLIAMS, DAVE A & KATHLEEN R ;1100 INTERLAKEN DR ;LODI
;CA;95242
41. 02706039;FREY, LELAND G & DEBRA M TR ;485 TAYLOR RD ;LODI ;CA;95242
42. 05803001;REICHMUTH, CAROLYN HINES ;1358 MIDVALE RD ;LODI ;CA;95240

CERTIFICATE OF POSTING NOTICE OF CONTINUED
PUBLIC HEARING OF THE CITY COUNCIL OF THE
CITY OF LODI

I, SUSAN J. BLACKSTON, certify that on June 19, 2003 I posted "NOTICE OF CONTINUED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI" to consider the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act near the Council Chamber door; that said Notice remained posted until after the hour set for said hearing, as shown on said Notice.

A copy of said "NOTICE OF CONTINUED PUBLIC HEARING" as posted near the Council Chamber door, is shown on the attached and is made a part of this Certificate of Posting.

Dated: June 19, 2003



SUSAN J. BLACKSTON, CITY CLERK
OF THE CITY OF LODI

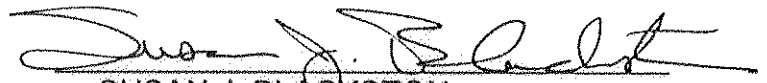
NOTICE OF CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the public hearing of the City Council of the City of Lodi to consider public comments/testimony regarding the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act, has been continued to Wednesday, July 2, 2003, at the hour of 7:00 p.m. in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted June 19, 2003



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi

NOTICE OF CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the public hearing of the City Council of the City of Lodi to consider public comments/testimony regarding the appeal of Ann M. Cerney and Citizens for Open Government regarding the Planning Commission's approval of the request of Jim Manion, on behalf of Lowe's, to certify a Final Environmental Impact Report for the Vintner's Square Shopping Center pursuant to the California Environmental Quality Act, has been continued to Wednesday, July 2, 2003, at the hour of 7:00 p.m. in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted June 19, 2003



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi

G-1

Susan Blackston

From: Mike Higgins [mhiggins@softcom.net]
Sent: Wednesday, June 18, 2003 2:56 PM
To: Susan Hitchcock; Emily Howard; John Beckman; Larry Hansen; Keith Land; Susan Blackston
Subject: Vintner Square shopping center

Council members, I write to you as a resident of Lodi with comments pertaining to the upcoming public hearing for the Vintner Square shopping center and the associated certification of the Final EIR. I have attached my letter sent to the planning commission, after reviewing the final EIR and the city's responses to my comments on the draft EIR. This e-mail will summarize that letter.

In short, the Vintner's Square traffic study contains outdated data and assumptions, and the follow-up study due to the delay of the Kettleman lane gap closure by Omni-means states "further analysis is needed" to determine the actual future traffic conditions. Caltrans had many concerns as well, regarding the data. The bottom line is, with the kettleman lane project delayed, and two major development projects planned for the north and south quadrants along Hwy 12, both using outdated information, the city is poised to allow significant congestion on an already backed up roadway.

Vintner's Square claims it will draw regional traffic (i.e. Lockeford, Galt, etc.) to its project site. With this, and the future south development in mind, it would be prudent for the city to insure these projects pay their fair share of regional improvements. As I state in my past letter, improvements along the project's frontage do not constitute fair mitigation. I recommend a fee program be set up to collect monies from these future projects to help pay for regional projects, such as the gap closure and Hwy 12 widening to the west. Otherwise, the burden to pay for these projects falls again upon the taxpayers, either in Measure K money, or base gasoline taxes, instead of partially on the entities that are creating the congestion.

The San Joaquin Council of Governments (SJCOG) is in the process of adopting a regional traffic impact fee. A possibility is to collect an interim, similar fee until the regional fee is officially adopted. I hope the council takes this into consideration when considering the approval of this project, and the one coming soon for the southwest quadrant. Given the current budget situation, I feel it is extremely important to pursue all funding options for road improvements. It's not an easy matter, but is the right direction to take in these difficult times.

Finally, I respectfully request a copy of the city's current fee program, to include the list of roadway improvement contained in the program. Perhaps, with the city's shift to e-documents, the fee program could be posted on-line for easy retrieval and reduced paperwork costs?

I thank you for your time.

Sincerely,

Mike Higgins
130 S. Ham Lane
Lodi, CA 95242

6/18/2003

To: City of Lodi Planning Commission

May 14, 2003

From: Mike Higgins
130 S. Ham Lane
Lodi, CA 95242

Re: Response to comments on Final Environmental Impact Report (FEIR) for Vintner Square Shopping Center

Commissioners,

The following is one of my initial comments in the Vintner Square DEIR, the Response to my Comments, and my reply to that response for the Vintner Square FEIR. I am unable to be present at tonight's meeting, and therefore request this letter be included as part of the Commission's staff report for this proposal and thereby entered into public record for this Hearing.

Original Comment

3-4 Traffic- The traffic study needs to analyze mainline Hwy 12, both west and east of the proposal. The project trip distribution, page 3.2-14, states 20 % of the project's traffic will be to/from the west on Hwy 12 and 30% from the east on hwy 12. This represents half of the project's traffic, which will have an impact on the adjacent highway. In addition, Caltrans requests, in their traffic Impact Study guidelines, that this be studied as well.

3-5 This analysis is necessary in order to determine the cumulative impacts created by the future buildout of the Lower Sacramento Road and Hwy 12 intersection quadrant. This proposal, and subsequent others will place added demand on the existing and future roadway network, specifically to Hwy 12. The Kettleman lane Gap Closure project is identified in this DEIR. Hwy 12 to the west is identified in SJCOG's Regional Transportation Plan, but is many years from reality. The buildout of this area needs to contribute its fair share towards these future improvements, which will allow regional access to this project (2nd project objective, page 2-7). In light of the current fiscal situation, new development needs to pay its share of new infrastructure, so the burden is not placed disproportionately on the taxpayers to make up for future inadequacies caused by this development.

To clarify, the Westside Capital Facility Fee Program, if it does not already, needs to include Hwy 12 in its program, and an accurate analysis of this and future projects' impacts to the facility will assist in determining appropriate fair share fees. If this is not possible, perhaps a new assessment area can be created specifically to address the needs and funding issues of the regional transportation system adjacent to this proposal.

Response to Comments

3-4 The commenter states the traffic study needs to analyze mainline Highway 12, both west and east of the project site.

Question- Is that the only response?

3-5 Summary

1. Due to the funding delay for the Kettleman Lane Gap Closure project, State Route 12 is being re-analyzed between Mills Avenue to west of Lower Sacramento Road....

Question- how far west of Lower Sacramento Road? The revised traffic analysis only specifies arterial segment LOS between Lower Sacramento Road and Tienda Drive. What is the existing and Future condition of Hwy 12 west of the proposed project? I feel this is important to know, considering 20% of the project's traffic is in the westbound direction.

2. ...To determine the capacity of the highway without the Kettleman Lane Gap Closure Project...

Fact- Mike Winton of Omni Means states, "Further analysis is needed to obtain more accurate results."

Fact- Future Base Plus Project Intersection Level of Service (LOS) for Hwy 12/Tienda drive is estimated at "D" (51.8 seconds). Note* the threshold to move down to LOS "E" is 55 seconds. Future base Plus Project arterial segment LOS from Lower Sacramento Road to Tienda is "E", with an overall corridor LOS of "D".

3. Due to the size of the revised analysis it is being included as part of this FEIR

Question- Has Caltrans had ample time to study the revised analysis? If so, what are their comments? Do they agree on the assumptions included in the intersection data sheets? In order to accurately assess the actual traffic conditions, one would think the "further analysis" requested by the traffic consultant, as well as Caltrans' concerns, would be addressed prior to rendering a decision on the Final EIR

Why?

All analyses, without any further verification, show some segments and intersections along Highway 12 to operate at the LOS D/E threshold. This means they are very close to unacceptable operation conditions, which also represents a significant impact. Given the fact that Caltrans has not provided concurrence to the revised analysis, the planning commission and general public do not know what this project's actual impacts are.

This is extremely important when you take this project's impacts in the cumulative condition, and add them to the potential impacts created from the development of the southwest quadrant of Highway 12 and Lower Sacramento Road, which was not included in the Future Base Scenario. If LOS D/E is expected just with Lowe's, etc., how will this area operate with the added development of a Super WalMart?

4. ...the proposed project would contribute a proportional share toward future highway improvements.

Question- How much is their fair share, and how was it calculated? I can find nothing in the FEIR or mitigation monitoring program to verify this. As the FEIR states, the funding shortfall will delay the Kettleman Lane Gap Closure. This supports my initial DEIR comment that these developments need contribute to future improvements that become necessary under cumulative conditions, and not simply to areas along their frontage that satisfy only operational improvements that mainly benefit their development. Therefore, I reiterate the request to insure new development pays its fair share towards the impacts that will be created on the regional road network from its arrival.



Items

E-12 &
G-1

RECEIVED

JUN 18 2003

City Clerk
City of Lodi

June 16, 2003

TO: Susan Hitchcock, Mayor, City of Lodi
FR: Lodi Chamber of Commerce
Pat Patrick, President & CEO
RE: Development of Vintner's Square
N.W. Corner of Kettleman & Lower Sacramento

The Lodi Chamber of Commerce is in support of the development proposal before you this evening for Vintners Square. We, the Board of Directors, representing 710 businesses, feel this is the next best step in the development of this strategic property.

We believe that the city's requirements have been met and the developer and prospective tenants will add to the quality of life we enjoy in Lodi. Job creation, tax revenues, the addition of more diverse retail will only benefit the city and its citizenry.

Therefore, we would urge you to vote in favor of The Vintner's Square project, moving it forward and on to its beneficial conclusion.

Cordially,

Pat Patrick,
Pres./CEO